

BOARD OF SELECTMEN

Minutes of the Meeting of 5 December 2007 at 6:00 PM. The meeting took place in the Town and County Building, 16 Broad Street, Nantucket, MA 02554. Members of the Board present were Patricia Roggeveen, Whiting Willauer, Allen Reinhard and Michael Kopko. Brian Chadwick was absent. Chairman Willauer called the meeting to order at 6:02 PM.

Chairman Willauer asked for the unanimous consent of the meeting to take one agenda item (listed under the Town Administrator's report) out of order for discussion and action at the beginning of the meeting and the Board agreed.

Report on New Procurement Alternative (Construction Manager at Risk) for Public Safety Facility. Deputy Police Chief Charles Gibson, the Town's project manager for the proposed Public Safety Facility at 2 Fairgrounds Road, was present and apprised the Board of a new Massachusetts General Law involving public projects estimated to exceed five million dollars in construction cost. Mr. Gibson reviewed the process, and after some discussion, Mr. Kopko moved approval to proceed with the Construction Manager at Risk process; seconded by Mr. Reinhard. So voted unanimously.

Approval of Minutes of 14 November at 6:00 PM. The minutes were approved by unanimous consent of the meeting.

Approval of Payroll Warrant for Week Ending 2 December 2007. The payroll warrant was approved by unanimous consent of the meeting.

Approval of Treasury Warrant and Pending Contracts for 5 December 2007. The treasury warrant and pending contracts were approved by unanimous consent of the meeting.

Land Bank: Request for Vote to Pledge Full Faith and Credit of the Town of Nantucket; Enter into Trust Agreement: Enter into Amended and Restated Agreement as to Working Capital Reserve; Enter into Continuing Disclosure Agreement; and, to Authorize any other Signatures in Connection with the Land Bank Issuance of its 2007 Series A Bonds. Land Bank Director Eric Savetsky was present and reviewed the request. Some discussion followed as to certain specifics of the proposed vote, duration of the borrowing and the purpose of it. Mr. Kopko moved to: approve the pledging of the full faith and credit of the Town under Chapter 669 of the Acts of 1983 as amended to secure the principal of and interest on the 2007 Series A Bonds to be issued by the Nantucket Islands Land Bank in an aggregate principal amount not to exceed \$15,095,000 to finance the payment of two outstanding notes of the Land Bank, the acquisition of certain parcels of land by the Land Bank, the funding of a debt service reserve fund and the payment of the costs of issuance of the 2007 Series A Bonds pursuant to the Trust Agreement dated as of December 1, 2007 among the Town, the Land Bank and U.S. Bank National Association, as Trustee (the "2007 Trust Agreement"); and also to authorize the Finance Director or Treasurer of the Town to enter into on behalf of the Town the 2007 Trust Agreement relating to the issue of the 2007 Series A Bonds substantially in the form submitted to and filed with the records of this meeting, subject to such changes as the Finance Director or Treasurer may approve, including without limitation provisions reflecting the insurance of the 2007 Series A Bonds by the MBIA Insurance Corporation, with the execution thereof being conclusive evidence of such approval; and, to authorize the Finance Director or Treasurer of the Town to enter into on behalf of the Town the Amended and Restated

Agreement as to Working Capital Reserve Account between the Land Bank and the Town substantially in the form submitted to and filed with the records of this meeting, subject to such changes as the Finance Director or Treasurer may approve, with the execution thereof being conclusive evidence of such approval; and, to authorize the Finance Director or Treasurer of the Town to enter into on behalf of the Town the Continuing Disclosure Agreement between the Land Bank and the Town substantially in the form submitted to and filed with the records of this meeting, subject to such changes as the Finance Director or Treasurer may approve, with the execution thereof being conclusive evidence of such approval; and, further to authorize the Finance Director or Treasurer of the Town or any other Town official to execute on behalf of the Town any other agreement, document or certificate necessary in connection with the issue of the 2007 Series A Bonds; seconded by Mr. Reinhard. So voted unanimously.

Nantucket Land Council: Request for Approval of Conservation Restriction at 12 North Liberty Street. Land Council representative Lynn Zimmerman was present and explained the proposed restriction and after some discussion, Mr. Kopko moved to approve said restriction; seconded by Mr. Reinhard. So voted unanimously.

Liquor Licensee/Starlight Café: Request for Approval of Change of Manager. Town Administrator C. Elizabeth Gibson explained that, pursuant to the Board's vote at the meeting of November 14, 2007 approving a change of manager; and, subsequent to additional information provided by the state Alcoholic Beverages Control Commission, this application is no longer necessary.

Cemetery Commission Workgroup: Presentation of Recommendations. Catherine Flanagan Stover, chairman of the Cemetery Commission Workgroup (CCW), provided a status report of workgroup activities to date, and presented recommendations. Ms. Stover stated the CCW is very concerned about the deteriorating condition of the cemeteries and the workgroup is seeking "emergency funding" of \$25,000 - \$30,000 to repair fencing at the Newtown Cemetery. A lengthy discussion followed concerning other recommendations by the CCW to set aside land for a new municipal cemetery, establish a cemetery department and Board of Cemetery Commissioners and construct a municipal crematorium. Ms. Roggeveen suggested Ms. Stover contact the Town's funeral director Richard Lewis for information regarding gravesite availability, locations and ownership as well as accessing other records concerning town cemeteries. Chairman Willauer thanked Ms. Stover for her presentation and suggested that the workgroup develop a specific plan and bring it back to the Board.

TOWN ADMINISTRATOR'S REPORT

Review of FY 2009 General Fund Budget Status. Ms. Gibson reviewed the FY 2009 general fund budget outlook and discussion followed as to whether or not an override might be sought. Discussion also focused on debt service projections, stabilization fund projections, future capital projects, union and other contract increase projections and whether the Board's budget guidelines are in line with projected revenues. Chairman Willauer noted that, if no override is sought and/or approved, items may need to be re-programmed, reduced or eliminated. It was noted that new revenue sources are being investigated.

Police Chief Bill Pittman noted an upcoming Public Safety Facility informational meeting is scheduled for December 13, 2007 at the Police Department at which time an update on the project will be provided as well as the opportunity for public input.

SELECTMEN'S REPORTS/COMMENT

Action on Proposed Non-binding Ballot Questions (2) for 2008 Annual Town Meeting. Chairman Willauer reviewed a proposed question concerning whether the Town should allow a construction/beach nourishment project to proceed by the Siasconset Beach Preservation Fund. Catherine Flanagan Stover, sponsor of the request, spoke in favor of placing this non-binding question on the 2008 annual town election ballot, and stated that if the Board votes not to do so, she intends to collect the necessary signatures to mandate the question appear on the election warrant. Some discussion followed regarding the procedure for citizens to get non-binding "public opinion" questions on the election warrant with Mr. Kopko speaking in favor of using election ballots as "tools to gauge public opinion." Chairman Willauer expressed opposition to the proposal stating his concerns about a question being brought forward before all factual information has been received. Mr. Reinhard concurred. Ms. Roggeveen spoke in favor as did members of the audience, Lynn Zimmerman, Phil Gallagher and Peter Kaizer. After some additional discussion, Mr. Kopko moved that the following question be placed on the 2008 annual town election warrant "should the Town of Nantucket allow the Siasconset Beach Preservation Fund to construct upon, and nourish, the Town-owned coastal beach/es on the East side of the Island;" seconded by Ms. Roggeveen. So voted unanimously.

Chairman Willauer reviewed the second proposed question concerning the construction of a parking garage in the core downtown area of the island. Mr. Kopko spoke in favor as did Curtis Barnes and Planning Director Andrew Vorce. After some discussion, Mr. Kopko moved that the following question be placed on the 2008 annual town election warrant "should the Town of Nantucket build, or allow to be built, a multi-level parking garage for public use in downtown Nantucket" seconded by Ms. Roggeveen. So voted unanimously.

Chairman Willauer noted that a discussion on strategic planning is scheduled for the Board's meeting of December 12, 2008.

The meeting was unanimously adjourned at 9:00 PM.

Approved the 19th day of December 2007.